

House Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 108

HOUSE BILL 2604

AN ACT

AMENDING SECTIONS 48-1713 AND 48-1742, ARIZONA REVISED STATUTES; RELATING TO
ELECTRICAL DISTRICT ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 48-1713, Arizona Revised Statutes, is amended to
3 read:

4 48-1713. Qualifications of electors; acreage voting; definition

5 A. Persons qualified to vote at an election held under this chapter,
6 except as otherwise specially provided, shall be EITHER:

7 1. The property taxpayers of the district who ~~are qualified electors~~
8 ~~of the state and of the district~~ OWN REAL PROPERTY IN THE DISTRICT THAT IS OR
9 MAY BE BENEFICIALLY SERVED BY THE DISTRICT AND WHO POSSESS THE QUALIFICATIONS
10 REQUIRED OF ELECTORS UNDER THE GENERAL ELECTION LAWS, EXCEPT AS TO RESIDENCY.

11 2. REPRESENTATIVES OF PROPERTY TAXPAYERS OF THE DISTRICT WHO OWN REAL
12 PROPERTY IN THE DISTRICT THAT IS OR MAY BE BENEFICIALLY SERVED BY THE
13 DISTRICT, WHO POSSESS THE QUALIFICATIONS PRESCRIBED BY SECTION 48-3043,
14 SUBSECTIONS B, C AND D.

15 B. THE BONA FIDE OWNERS OF REAL PROPERTY IN THE DISTRICT THAT IS OR
16 MAY BE BENEFICIALLY SERVED BY THE DISTRICT MAY PETITION THE BOARD OF
17 DIRECTORS TO ADOPT AN ACREAGE SYSTEM OF VOTING IN THE DISTRICT. THE PETITION
18 MUST BE DATED AND SIGNED PERSONALLY BY THE PETITIONERS, REPRESENTING THE
19 ACREAGE IN THE DISTRICT THAT EACH PETITIONER OWNS, AND FILED WITH THE
20 SECRETARY OF THE BOARD OF DIRECTORS. IF THE BOARD DETERMINES THAT THE
21 PETITIONERS OWN AT LEAST FIFTY-ONE PER CENT OF THE TOTAL ACREAGE IN THE
22 DISTRICT THAT IS OR MAY BE BENEFICIALLY SERVED BY THE DISTRICT, THE BOARD MAY
23 ADOPT A RESOLUTION CHANGING THE MANNER OF VOTING IN THE DISTRICT TO AN
24 ACREAGE SYSTEM OF VOTING. THEREAFTER, ALL DISTRICT ELECTIONS SHALL BE HELD
25 AND CONDUCTED ON THE ACREAGE SYSTEM. UNDER AN ACREAGE SYSTEM OF VOTING:

26 1. EACH BONA FIDE OWNER OF ONE OR MORE ACRES OF REAL PROPERTY IN THE
27 DISTRICT THAT IS OR MAY BE BENEFICIALLY SERVED BY THE DISTRICT IS AN ELECTOR
28 OF THE DISTRICT AND ENTITLED TO ONE VOTE FOR EACH ACRE OF SUCH LAND, BUT NOT
29 MORE THAN ONE THOUSAND TWO HUNDRED EIGHTY VOTES.

30 2. THE BOARD OF DIRECTORS MAY DETERMINE BY RESOLUTION THAT EACH
31 QUALIFIED ELECTOR OF THE DISTRICT IS ENTITLED TO THE NUMBER OF VOTES OR
32 FRACTIONAL VOTES EQUAL TO THE NUMBER OF ACRES OR FRACTIONAL ACRES, ROUNDED TO
33 THE NEXT ONE-TENTH ACRE, OWNED BY THAT OWNER, BUT NOT MORE THAN ONE THOUSAND
34 TWO HUNDRED EIGHTY VOTES.

35 3. IF TITLE TO REAL PROPERTY IS HELD BY MORE THAN ONE OWNER, EACH
36 OWNER MAY VOTE THE PROPORTIONAL FRACTIONAL SHARE ACCORDING TO THE OWNERSHIP
37 INTEREST IN THE PROPERTY.

38 4. THE DISTRICT SHALL CONDUCT ELECTIONS SUBSTANTIALLY IN THE MANNER
39 PRESCRIBED BY CHAPTER 19, ARTICLE 5 OF THIS TITLE.

40 C. FOR THE PURPOSES OF THIS SECTION, "OWNERSHIP" INCLUDES:

41 1. TITLE TO THE PROPERTY THAT IS RECORDED AT LEAST NINETY DAYS BEFORE
42 THE ELECTION.

43 2. BONA FIDE CONTRACTS OF PURCHASE THAT ARE RECORDED AT LEAST NINETY
44 DAYS BEFORE THE DATE OF THE ELECTION AND THAT GIVE THE PURCHASER POSSESSION

1 OF THE PROPERTY AND RESPONSIBILITY FOR PAYING TAXES AND ASSESSMENTS ON THE
2 PROPERTY.

3 Sec. 2. Section 48-1742, Arizona Revised Statutes, is amended to read:

4 48-1742. Annual election of directors; notice; qualifications
5 of directors; voting place; expenses

6 A. The annual election of directors shall be held on the second
7 Saturday in January of each year.

8 B. Ten days' notice of the election shall be given by posting notices
9 thereof in the manner provided by section 48-1704, and not less than three
10 notices shall be posted in different public places in each county in which
11 any part of the district is located.

12 C. Persons qualified to hold the office of director or vote at the AN
13 election therefor shall be freeholders of the district, and election
14 precinct, if any, and shall possess all the qualifications required of
15 electors under SECTION 48-1713. the general election laws, except as to
16 residence within a particular county or precinct. A freeholder is any person
17 who owns real property within the district which is, or may be, beneficially
18 served by the district.

19 D. The board of directors shall determine the place or places of
20 voting, and should IF more than one place of voting be IS designated, the
21 board shall divide the district into election precincts, which may be changed
22 from time to time. When such precincts are changed within ninety days before
23 any election, the notice of the next election shall contain an accurate
24 description of the precincts as changed.

25 E. The election expenses shall be paid by the district.

APPROVED BY THE GOVERNOR APRIL 20, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 20, 2007.